

REMARKS/ARGUMENTS

The Applicants have carefully considered this application in connection with the Examiner's Action and respectfully request reconsideration of this application in view of the foregoing amendment and the following remarks.

The Applicants originally submitted Claims 1-20. Previously in response to a restriction requirement, the Applicants elected Claims 1-18, and thus canceled Claims 19-20 without prejudice or disclaimer. Currently, the Applicants have amended Claims 1 and 10, and have neither amended, added or canceled any other claims. Accordingly, Claims 1-18 are currently pending in the application.

I. Rejection of Claims 1-7, 9-16 and 18 under 35 U.S.C. §102

The Examiner has rejected Claims 1-7, 9-16 and 18 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,146,970 to Witek, *et al.* ("Witek"). Independent Claims 1 and 10 currently include using photoresist to form an opening in a polysilicon hardmask formed over a substrate, removing the photoresist and then etching a trench in the substrate through the opening in the polysilicon hardmask. Witek fails to teach these elements.

In contrast to that currently claimed, Witek discloses forming a polysilicon layer 206 over a substrate 202, and then forming an opening in the polysilicon layer 206 and a trench 210 into the substrate 202 using a patterned photoresist layer 208. Witek requires that the patterned photoresist layer 208 be removed after formation of the trenches 210, which is in direct contrast to that presently claimed, wherein the photoresist layer is removed after forming an opening in the polysilicon hardmask, but before etching the trench.

Therefore, Witek does not disclose each and every element of the claimed invention and as such, is not an anticipating reference. Because Claims 2-7, 9, 11-16 and 18 are dependent upon

Claims 1 and 10, Witek also cannot be an anticipating reference for Claims 2-7, 9, 11-16 and 18. Accordingly, the Applicants respectfully request the Examiner to withdraw the §102 rejection with respect to these Claims.

II. Rejection of Claims 8 and 17 under 35 U.S.C. §103

The Examiner has rejected Claims 8 and 17 under 35 U.S.C. §103(a) as being unpatentable over Witek in view of U.S. Patent No. 6,794,269 to Gopalan, *et al.* ("Gopalan"). As indicated above, independent Claims 1 and 10 currently include the elements of using photoresist to form an opening in a polysilicon hardmask formed over a substrate, removing the photoresist and then etching a trench in the substrate through the opening in the polysilicon hardmask. As previously established, Witek fails to disclose these claimed elements. Because Witek requires that its patterned photoresist layer 208 be removed after forming its trenches 210, Witek also fails to suggest these claimed elements. Thus, Witek fails to teach or suggest the aforementioned claimed elements.

Gopalan also fails to teach or suggest these claimed elements. The Examiner is using Gopalan for the sole proposition that the width of the trenches ranges from about .15 μm to about 20 μm . Notwithstanding the accuracy of the Examiner's proposition, a teaching that the width of the trenches ranges from about .15 μm to about 20 μm is far from a teaching of removing patterned photoresist before forming a trench in a substrate, as currently claimed. Accordingly, Gopalan fails to teach or suggest the aforementioned claimed elements.

Witek, individually or in combination with Gopalan, fails to teach or suggest the invention recited in independent Claims 1 and 10 and their dependent claims, when considered as a whole. Claims 8 and 17 are therefore not obvious in view of Witek and Gopalan.

In view of the foregoing remarks, the cited references do not support the Examiner's rejection of Claims 8 and 17 under 35 U.S.C. §103(a). The Applicants therefore respectfully request the Examiner withdraw the rejection.

III. Conclusion

In view of the foregoing amendment and remarks, the Applicants now see all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 1-18.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application. The Commissioner is hereby authorized to charge any fees, credits or overpayments to deposit account 08-2395.

Respectfully submitted,

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